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09/932,621	08/17/2001	Yuichiro Deguchi	SONY-02800	6301

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EXAMINER	
HASHEM, LISA	
ART UNIT	PAPER NUMBER
2614	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/10/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)	
	09/932,621	DEGUCHI, YUICHIRO	
	Examiner	Art Unit	
	Lisa Hashem	2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *16 January 2007*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-27,30-32,34-37 and 41-43* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-27, 30-32, 34-37, and 41-43* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments, see Amendment, filed 1-16-07, with respect to the rejection(s) of claim(s) 1-27,30-32,34-37 and 41-43 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made.

Claim Objections

2. Claim 1 recites the limitation "said communications". There is insufficient antecedent basis for this limitation in the claim.

3. Claim 18 recites the limitation "the broadcast information", "the artist", and "the album". There is insufficient antecedent basis for these limitations in the claim.

4. Claim 30 recites the limitation "the artist" and "the album". There is insufficient antecedent basis for these limitations in the claim.

5. Claim 41 recites the limitation "the artist" and "the purchase". There is insufficient antecedent basis for these limitations in the claim.

Claim Rejections - 35 USC § 112

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claims 21, 22, 23, 24, and 31, 32, 34-37, and 41 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

8. Claims 21 and 22 recite 'said wireless connection'. But it is unclear if this said wireless connection refers to a first wireless connection or a second wireless connection mentioned in claim 20.

9. Claim 24 recites 'said connection'. But it is unclear if this said connection refers to a first wireless connection, a second wireless connection, or an internet connection mentioned in claim 20.

10. Claim 31 recites 'longer range connection'. But it is unclear what the term 'longer' implies.

11. Claim 31 recites the limitation "said first and second wireless connection". There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 103

12. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

13. Claims 1-27, 30-32, 34-37, and 41-43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lehtonen in view of Bowman.

Regarding claim 1, Lehtonen discloses a data marker integrated device communication system (Fig. 3), comprising:

a data marker integrated device (Fig. 2, 21; Fig. 3, 21) configured to store a data mark (e.g. index of user files stored in a memory card of the device) in response to bookmarking of a clip (e.g.

user storing a file, such as a multimedia file, audio/video file, MP3 music file) (section 0008, 0009, 0011-0014, 0016, 0039, 0041);

said data marker integrated device comprising a first device (Fig. 3: 27, BT2) which is configured for local, short range, wireless communication (section 0014-0015; 0027);

a second device (Fig. 2, 22; Fig. 3, 22) configured for establishing a first wireless communication connection with the first device to receive said data mark from said first device (section 0008, 0037-0040, 0048-0049); and

said second device configured for establishing a separate second wireless connection (section 0041);

a server (e.g. computer) configured to connect over said second wireless connection to said device for data communication through said second device with said first device (section 0041);

said second device configured for interfacing with a user (Fig. 3: UI) in response to said communication with said first device and/or said server (section 0035-0039, 0041);

said server is configured for retrieving playlist data (section 0041).

Lehtonen clearly discloses storing a data mark in response to bookmarking of a clip (section 0016) and broadcasting a clip (section 0049). However, Lehtonen does not disclose storing a data mark in response to bookmarking of a broadcast clip and said server is configured for: retrieving playlist data in response to receipt of said data mark from said first device and communicating over a data network with a user terminal so that said user terminal can access said playlist data through a user account on said server when connected over said data network.

Bowman discloses a data marker integrated device communication system (Fig. 1, 100), comprising:

a data marker integrated device configured to store a data mark in response to bookmarking of a broadcast clip (section 0016, 0018-0019; 0023-0024);

said data marker integrated device comprising a first device (Fig. 1, 112) which is configured for wireless communication (section 0021; 0027);

a second device (Fig. 1, 112) configured for establishing a separate second wireless connection; a server (Fig. 1, 122) configured to connect over said second wireless connection to said second device for data communication through said second device (section 0024; 0027);

a server (Fig. 1, 122) is configured for retrieving playlist data in response to receipt of said data mark from said first device (section 0024); and

said server is configured for communicating over a data network (Fig. 1, 118) with a user terminal (Fig. 1: 110, 112; personal computer, mobile telephone, PDAs, pagers and other digital communication devices; user selected destination) so that said user terminal can access said playlist data through a user account on said server when connected over said data network (section 0023; 0025-0029).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify the system of Lehtonen to include storing a data mark in response to bookmarking of a broadcast clip and said server is configured for: retrieving playlist data in response to receipt of said data mark from said first device and communicating over a data network with a user terminal so that said user terminal can access said playlist data through a user account on said server when connected over said data network as taught by Bowman. One of ordinary skill in the art would have been lead to make such a modification to provide the ability to bookmark or store a radio program from a FM radio receiver of the headset or first

device, wherein a user is listening to a radio program and selects to store a segment of the broadcast in the memory card of the headset and provide a server that can store the data mark and allow another user terminal to access the contents of the data mark or playlist in a remote storage location that is accessible by multiple user devices of a same user.

Regarding claim 2, the system of claim 1, wherein Bowman further discloses said data mark includes time stamp information (section 0023-0024).

Regarding claim 3, the system of claim 1, wherein Lehtonen further discloses said data marker integrated device includes one of an electronic music marker integrated radio and an electronic music marker integrated audio playback device (section 0030-0031).

Regarding claim 4, the system of claim 1, wherein Lehtonen further discloses said second device includes one of a wireless application protocol (WAP) enabled mobile telephone, an I-mode mobile telephone, and an Internet access enabled personal digital assistant (section 0031 and 0036).

Regarding claim 5, the system of claim 1, wherein Lehtonen further discloses said wireless communication between said second device and said data marker integrated device is established with a Bluetooth communication protocol (section 0027 and 0031).

Regarding claim 6, the system of claim 1, wherein Lehtonen further discloses said data marker integrated device includes an interface unit (Fig. 3, BT2) configured to establish wireless communication under a Bluetooth communication protocol (section 0032).

Regarding claim 7, the system of claim 6, wherein Lehtonen further discloses said second device includes an interface unit (Fig. 3, BT) configured to establish wireless communication under a Bluetooth communication protocol (section 0036).

Regarding claim 8, the system of claim 7, wherein Lehtonen further discloses said Bluetooth communication protocol operates at approximately 2.4 GHz (section 0035).

Regarding claim 9, the system of claim 1, wherein Lehtonen further discloses said data marker integrated device is configured to transmit a device identification code to said second device (section 0038).

Regarding claim 10, the system of claim 1, wherein Bowman further discloses said server is configured to receive said data mark from said second device (section 0021; section 0024).

Regarding claim 11, the system of claim 10, wherein Lehtonen further discloses said server is further configured to transmit a transmission acknowledgement message to said second device (section 0041).

Regarding claim 12, the system of claim 11, wherein Lehtonen further discloses said second device is configured to display said transmission acknowledgement message (section 0041).

Regarding claim 13, the system of claim 11, wherein Lehtonen further discloses said second device is configured to transmit said transmission acknowledgement message to said data marker integrated device (section 0041).

Regarding claim 14, the system of claim 13, wherein Lehtonen further discloses said data marker integrated device is configured to delete said stored data mark after inherently receiving said transmission acknowledgement message from said second device (section 0041, 0052).

Regarding claim 15, the system of claim 1, wherein Bowman further discloses a user terminal configured to connect to said server (section 0025).

Regarding claim 16, the system of claim 15, wherein Bowman further discloses said user terminal includes one of a desktop computer, a laptop computer, and a handheld computer (section 0020, 0025, 0029).

Regarding claim 17, the system of claim 15, wherein Bowman further discloses said user terminal is connected to said server through TCP/IP protocol (section 0021 and 0025).

Regarding claim 18, the system of claim 15, wherein Bowman further discloses said user terminal is configured to receive information corresponding to said data mark from said server (section 0025, 0027, 0029).

Regarding claim 19, the system of claim 18, Bowman further discloses said information corresponding to said data mark comprises one or more of the broadcast information selected from the group of broadcast music information consisting of:

a name of a broadcast music clip corresponding to said data mark,

a name of the artist of a broadcast music clip corresponding to said data mark,

a name of the album of a broadcast music clip corresponding to said data mark, and

a purchase information for a music album corresponding to a broadcast music clip related to said data mark (section 0024-0026).

Regarding claim 20, Lehtonen discloses a method, comprising:

storing a data mark (e.g. index of user files stored in a memory card of the device) within a data marking device, as a first device (Fig. 2, 21; Fig. 3, 21), in response to bookmarking of a clip (e.g. user storing a file, such as a multimedia file, audio/video file, MP3 music file) (section 0008, 0009, 0011-0014, 0016, 0039, 0041);

receiving, within a second device (Fig. 2, 22; Fig. 3, 22), said stored data mark from said first device through a first connection (section 0008, 0037-0040, 0048-0049);

establishing a second wireless connection from said second device to a server (e.g. computer) (section 0041).

Lehtonen clearly discloses storing a data mark in response to bookmarking of a clip (section 0016) and broadcasting a clip (section 0049). However, Lehtonen does not disclose storing a data mark in response to bookmarking of a broadcast clip; transmitting said received data mark over said second wireless connection to a user account within a server; retrieving information corresponding to said marked data from a storage unit coupled to said server; establishing an internet connection between said server and a user terminal; and accessing information corresponding to said marked data within said user account on said server through said user terminal.

Bowman discloses a method, comprising:

storing a data mark within a data marking device, as a first device (Fig. 1, 110), in response to bookmarking of a broadcast clip (section 0016, 0018-0019, 0021, 0023-0024, 0027);

establishing a second wireless connection (Fig. 1, 116) from a second device (Fig. 1, 112) to a server (Fig. 1, 122) (section 0021);

and transmitting said received data mark over said second wireless connection to a user account within a server (section 0025);

retrieving information corresponding to said marked data from a storage unit (Fig. 1: 124, 126) coupled to said server;

establishing an internet connection (Fig. 1, 118) between said server and a user terminal (Fig. 1: 110, 112; personal computer, mobile telephone, PDAs, pagers, and other digital communication devices; user selected destination); and

accessing information corresponding to said marked data within said user account on said server through said user terminal (section 0021, 0025, 0026, 0029).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify the method of Lehtonen to include storing a data mark in response to bookmarking of a broadcast clip; transmitting said received data mark over said second wireless connection to a user account within a server; retrieving information corresponding to said marked data from a storage unit coupled to said server; establishing an internet connection between said server and a user terminal; and accessing information corresponding to said marked data within said user account on said server through said user terminal as taught by Bowman. One of ordinary skill in the art would have been lead to make such a modification to provide the ability to bookmark or store a radio program from a FM radio receiver of the headset or first device, wherein a user is listening to a radio program and selects to store a segment of the broadcast in the memory card of the headset and provide a server that can store the data mark and allow another user terminal to access the contents of the data mark or playlist in a remote storage location that is accessible by multiple user devices of a same user.

Regarding claim 21, the method of claim 20, wherein Lehtonen further discloses said wireless connection includes a wireless communication link configured for operation under a Bluetooth communication protocol (section 0027, 0031).

Regarding claim 22, the method of claim 20, wherein Bowman further discloses including receiving a device identification code through said wireless connection (section 0025).

Regarding claim 23, the method of claim 22, wherein Bowman further discloses including transmitting said device identification code using said established connection to said server terminal (section 0025).

Regarding claim 24, the method of claim 20, wherein Lehtonen further discloses said connection includes a wireless application protocol connection (section 0031, 0036-0039).

Regarding claim 25, the method of claim 20, wherein Lehtonen further discloses including transmitting a transmission acknowledgement message through said connection (section 0041).

Regarding claim 26, the method of claim 25, wherein Lehtonen further discloses including displaying said transmission acknowledgement message (section 0041).

Regarding claim 27, the method of claim 25, wherein Lehtonen further discloses including deleting said data mark after receiving said transmission acknowledgement message (section 0041, 0052).

Regarding claim 30, the method of claim 20, wherein Bowman further discloses said retrieved information includes one or more of a name of a broadcast music clip corresponding to said data mark,
a name of the artist of a broadcast music clip corresponding to said data mark,
a name of the album of a broadcast music clip corresponding to said data mark, and
a purchase information for the purchase of a music album of a broadcast music clip corresponding to said data mark (section 0024-0026).

Regarding claim 31, Lehtonen discloses a method, comprising:

storing a data mark (e.g. index of user files stored in a memory card of the device) within a data marking device (Fig. 2, 21; Fig. 3, 21), as a first device, in response to bookmarking of a clip (e.g. user storing a file, such as a multimedia file, audio/video file, MP3 music file) (section 0008, 0009, 0011-0014, 0016, 0039, 0041);

transmitting said stored data mark from said first device through a Bluetooth protocol connection to a second device (section 0037, 0045);

receiving said transmitted data mark by said second device (section 0008, 0037-0040, 0048-0049);

said second device comprising a mobile device configured for establishing a Bluetooth protocol connection and a separate longer range communication connection (section 0008, 0037-0041, 0048-0049);

and retrieving information corresponding to said marked data by said server (e.g. computer) (section 0041).

Lehtonen clearly discloses storing a data mark in response to bookmarking of a clip (section 0016) and broadcasting a clip (section 0049). However, Lehtonen does not disclose storing a data mark in response to bookmarking of a broadcast clip; transmitting said received data mark through a wireless connection to a server; establishing an internet connection between said server and a user terminal; and accessing information corresponding to said marked data on said server through said user terminal.

Bowman discloses a method, comprising:

storing a data mark within a data marking device, as a first device (Fig. 1, 110), in response to bookmarking of a broadcast clip (section 0016, 0018-0019, 0021, 0023-0024, 0027);

transmitting said stored data mark from said first device through a wireless connection (section 0021, 0027);

receiving transmitted data mark by a second device (Fig. 1, 112);

transmitting said received data mark through a wireless connection (Fig. 1, 116) which is separate from said connection, to a server (Fig. 1, 122) (section 0021);

retrieving information corresponding to said marked data by said server (section 0025);

establishing an internet connection (Fig. 1, 118) between said server and a user terminal (Fig. 1: 110, 112; personal computer, mobile telephone, PDAs, pagers and other digital communication devices; user selected destination); and accessing information corresponding to said marked data on said server through said user terminal (section 0021, 0025, 0026, 0029).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify the method of Lehtonen to include storing a data mark in response to bookmarking of a broadcast clip; transmitting said received data mark through a wireless connection to a server; establishing an internet connection between said server and a user terminal; and accessing information corresponding to said marked data on said server through said user terminal as taught by Bowman. One of ordinary skill in the art would have been lead to make such a modification to provide the ability to bookmark or store a radio program from a FM radio receiver of the headset or first device, wherein a user is listening to a radio program and selects to store a segment of the broadcast in the memory card of the headset and provide a server that can store the data mark and allow another user terminal to access the contents of the

data mark or playlist in a remote storage location that is accessible by multiple user devices of a same user.

Regarding claim 32, the method of claim 31, wherein Bowman further discloses including receiving a device identification code from said first device through said first and second wireless connection by said server (section 0025).

Regarding claim 34, the method of claim 31, wherein Lehtonen further discloses said second wireless connection comprises a wireless application protocol connection (section 0031, 0036-0039).

Regarding claim 35, the method of claim 31, wherein Lehtonen further discloses including receiving a transmission acknowledgement message through said wireless connection (section 0041).

Regarding claim 36, the method of claim 35, wherein Lehtonen further discloses including displaying said received transmission acknowledgement message (section 0041).

Regarding claim 37, the method of claim 31, wherein Lehtonen further discloses including deleting said stored data mark within said first device (section 0041, 0052).

Regarding claim 41, the method of claim 31, wherein Bowman further discloses said retrieved information includes one or more of:

a name of a music clip corresponding to said data mark,

a name of a music album corresponding to said data mark,

a name of the artist for a music clip corresponding to said data mark, and

a purchase information for the purchase of a music album corresponding to said data mark (section 0024-0026).

Regarding claim 42, Lehtonen discloses a data marker integrated device communication system, comprising:

means for storing a data mark (e.g. index of user files stored in a memory card of the device) within a data marking device (Fig. 2, 21; Fig. 3, 21), as a first device, in response to bookmarking of a clip (e.g. user storing a file, such as a multimedia file, audio/video file, MP3 music file) (section 0008, 0009, 0011-0014, 0016, 0039, 0041);

means for receiving stored data mark through a first wireless connection by a second device (section 0008, 0037-0040, 0048-0049);

means for establishing a second wireless connection from said second device to a server;

wherein said first wireless connection is a local, short range, wireless protocol that differs from said second wireless connection (section 0027, 0037);

and means of retrieving information corresponding to said marked data by said server (section 0041).

Lehtonen clearly discloses storing a data mark in response to bookmarking of a clip (section 0016) and broadcasting a clip (section 0049). However, Lehtonen does not disclose storing a data mark in response to bookmarking of a broadcast clip; means for transmitting said received data mark using said second wireless connection to said server; means of establishing an internet connection between said server and a user terminal; and means of accessing information corresponding to said marked data on said server through said user terminal.

Bowman discloses a data marker integrated device communication system (Fig. 1, 100), comprising:

means for storing a data mark within a data marking device, as a first device (Fig. 1, 110), in response to bookmarking of a broadcast clip (section 0016, 0018-0019, 0021, 0023-0024, 0027);

means for receiving stored data mark through a first wireless connection (section 0021, 0027);

means for establishing a second wireless connection from a second device to a server (Fig. 1, 112) (section 0023-0024);

wherein said first wireless connection differs from said second wireless connection (section 0021);

means for transmitting said received data mark using said second wireless connection to said server (section 0024);

means of retrieving information corresponding to said marked data by said server (section 0025);

means of establishing an internet connection (Fig. 1, 118) between said server and a user terminal (Fig. 1: 110, 112; personal computer, mobile telephone, PDAs, pagers and other digital communication devices, user selected destination); and

means of accessing information corresponding to said marked data on said server through said user terminal (section 0021, 0025, 0026, 0029).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify the method of Lehtonen to include storing a data mark in response to bookmarking of a broadcast clip; means for transmitting said received data mark using said second wireless connection to said server; means of establishing an internet connection between said server and a user terminal; and means of accessing information corresponding to said marked data on said server through said user terminal as taught by Bowman. One of ordinary skill in the art would have been lead to make such a modification to provide the ability to

bookmark or store a radio program from a FM radio receiver of the headset or first device, wherein a user is listening to a radio program and selects to store a segment of the broadcast in the memory card of the headset and provide a server that can store the data mark and allow another user terminal to access the contents of the data mark or playlist in a remote storage location that is accessible by multiple user devices of a same user.

Regarding claim 43, Lehtonen discloses a data marker integrated device communication system, comprising:

means for storing a data mark (e.g. index of user files stored in a memory card of the device) within a data marking device (Fig. 2, 21; Fig. 3, 21), as a first device, in response to bookmarking of a clip (e.g. user storing a file, such as a multimedia file, audio/video file, MP3 music file) (section 0008, 0009, 0011-0014, 0016, 0039, 0041);

means for transmitting said stored data mark through a Bluetooth protocol connection which provides a first wireless connection to a second device (Fig. 3, 22) (section 0008, 0037-0040, 0048-0049);

means for receiving said transmitted data mark within said second wireless device (section 0041).

Lehtonen clearly discloses storing a data mark in response to bookmarking of a clip (section 0016) and broadcasting a clip (section 0049). However, Lehtonen does not disclose storing a data mark in response to bookmarking of a broadcast clip; means for transmitting said received data mark through a second wireless connection, which is separate from said first wireless connection, to a server; means of retrieving information corresponding to said marked data by said server; means of establishing an internet connection between said server and a user

terminal; and means of accessing information corresponding to said marked data on said server through said user terminal.

Bowman discloses a data marker integrated device communication system (Fig. 1, 100), comprising:

means for storing a data mark within a data marking device, as a first device (Fig. 1, 110), in response to bookmarking of a broadcast clip (section 0016, 0018-0019, 0021, 0023-0024, 0027);

means for transmitting said stored data mark through a connection which provides a first wireless connection to a server (section 0021, 0027);

means for receiving said transmitted data mark within said second wireless device (Fig. 1, 112) (section 0021, 0024); and

means for transmitting said received data mark through a second wireless connection, which is separate from said first wireless connection, to a server (e.g. computer) (section 0023-0024);

means of retrieving information corresponding to said marked data by said server;

means of establishing an internet connection (Fig. 1, 118) between said server and a user terminal (Fig. 1, 110; personal computer, mobile telephone, PDAs, pagers and other digital communication devices);

and means of accessing information corresponding to said marked data on said server through said user terminal (section 0021, 0025, 0026, 0029).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify the method of Lehtonen to include storing a data mark in response to bookmarking of a broadcast clip; means for transmitting said received data mark through a second wireless connection, which is separate from said first wireless connection, to a server;

means of retrieving information corresponding to said marked data by said server; means of establishing an internet connection between said server and a user terminal; and means of accessing information corresponding to said marked data on said server through said user terminal as taught by Bowman. One of ordinary skill in the art would have been lead to make such a modification to provide the ability to bookmark or store a radio program from a FM radio receiver of the headset or first device, wherein a user is listening to a radio program and selects to store a segment of the broadcast in the memory card of the headset and provide a server that can store the data mark and allow another user terminal to access the contents of the data mark or playlist in a remote storage location that is accessible by multiple user devices of a same user.

Conclusion

14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See PTO-892 Form.

15. Any response to this action should be mailed to:

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Or faxed to:

(571) 273-8300 (for formal communications intended for entry)

Or call:

(571) 272-2600 (for customer service assistance)

16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lisa Hashem whose telephone number is (571) 272-7542. The examiner can normally be reached on M-F 8:30-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (571) 272-7547. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (571) 272-2600.

17. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

lh
March 28, 2007

CREIGHTON SMITH
PRIMARY EXAMINER